

Environmental Protection Agency

§ 272.501

(b) Delaware is not authorized to implement any HSWA requirement in lieu of EPA unless EPA has explicitly indicated its intent to do so in a FEDERAL REGISTER notice granting Delaware authorization.

(c) Delaware has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities, including conducting inspections under section 3007, 42 U.S.C. 6927, and taking enforcement actions under sections 3008, 3013, and 7003, 42 U.S.C. 6928, 6934 and 6973, as well as under other Federal laws and regulations.

(d) Delaware must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Delaware must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA, but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Delaware obtains final authorization for the revised requirements pursuant to section 3006(b) of RCRA, the newly authorized provisions will be listed in § 272.401. If Delaware obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.402.

§ 272.401 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Delaware has final authorization for the following elements as submitted to EPA in Delaware's program application and approved by EPA.

(a) *State Statutes and Regulations.* (1) The requirements in the Delaware statutes and regulations cited in this paragraph are incorporated by reference and made a part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register January 31, 1986.

(i) 7 Delaware Code Annotated sections 6301 through 6307 and 6310 through 6317 (1983 Replacement Volume).

(ii) Delaware Department of Natural Resources and Environmental Control Regulations Governing Hazardous Waste, Parts 260 through 265, 122 and 124, Order Number 83-SW-1, July 28, 1983. (Copies are available from the Delaware Department of Natural Resources and Environmental Control, PO Box 1401, Dover, Delaware 19901.)

(2) The following statutes and regulations, although not incorporated by reference, are part of the authorized State program.

(i) 7 Delaware Code Annotated sections 6308 and 6309 (1974 and Supp. 1983).

(ii) Delaware Administrative Procedures Act, 7 Delaware Code Annotated sections 10101 through 10161 (1974 and Supp. 1983).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Delaware Department of Natural Resources and Environmental Control, signed by the EPA Regional Administrator on December 14, 1983.

(c) *Statement of Legal Authority.* (1) "Attorney General's Statement for Final Authorization", signed by the Attorney General of Delaware of July 26, 1983.

(2) Letter from the Attorney General of Delaware to EPA, April 2, 1984.

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§§ 272.402-272.449 [Reserved]

Subpart J—District of Columbia

§§ 272.450-272.499 [Reserved]

Subpart K—Florida

§ 272.500 [Reserved]

§ 272.501 Florida State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Florida has final authorization for the following elements as submitted to EPA in Florida's base program application for final authorizations which was approved by EPA effective on February 12, 1985.